

1 KIRK T. KENNEDY, ESQ.
2 Nevada Bar No: 5032
3 815 S. Casino Center Blvd.
4 Las Vegas, NV 89101
5 (702) 385-5534
6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 REGINALD BINGHAM,

2:08-cv-01861-JCM-RJJ

11 Plaintiff,

12 vs.

13 THE CITY OF LAS VEGAS,

14 Defendant.

15 **ORDER**

16 Having come on for hearing on the 4th day of June, 2010, on the Defendant's
17 motion for summary judgment and opposition having been filed by the Plaintiff and the
18 Defendant having filed a reply brief, and all parties present through counsel, after
19 arguments of counsel, and good cause appearing therefore;

20 The Court hereby finds that genuine issues of material fact exist regarding the
21 nature and extent of the Defendant City of Las Vegas' accommodation of Plaintiff's
22 disability condition and, further, genuine issues of material fact exist regarding the
23 circumstances surrounding the City's decision to no longer accommodate Plaintiff's
24 disability condition on or about late 2007.

25 The Court hereby further finds that there are no genuine issues of material fact in
26 support of Plaintiff's race based discrimination claims and that the Defendant City of Las
27 Vegas is entitled to summary judgment as a matter of law against Plaintiff's race based
28 discrimination claims.

IT IS HEREBY ORDERED, that the Defendant's motion for summary
judgment is granted against the Plaintiff's claims of race based discrimination, as set forth

1 in the complaint under Title VII. However, the court denies the
2 summary judgment as to Plaintiff's claims of discrimination under the Americans with
3 Disabilities Act and Plaintiff's state law based claims.

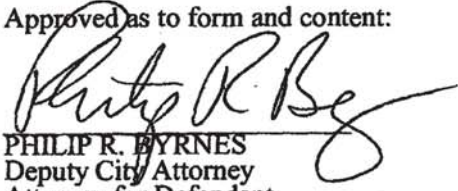
4 Dated this 15 day of June, 2010.

5 
6 UNITED STATES DISTRICT COURT JUDGE

7
8 Submitted by:

9 
10 KIRK T. KENNEDY, ESQ.
11 Nevada Bar No: 5032
12 Attorney for Plaintiff

13
14 Approved as to form and content:

15 
16 PHILIP R. BYRNES
17 Deputy City Attorney
18 Attorney for Defendant
19
20
21
22
23
24
25
26
27
28